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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/012,144	01/22/1998	THOMAS A. NAPOLI	77140DMW	1786

1333 7590 11/03/2006

PATENT LEGAL STAFF
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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/012,144

Applicant(s)

NAPOLI ET AL.

Examiner

LUONG T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 04/02/2002, PROSECUTION IS HEREBY REOPENED. The office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

2. Applicant's arguments, see Appeal Brief, filed 04/02/2002, with respect to the rejection(s) of claim(s) 1-10, 12-15 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new non-final office action as discussed below replaces the office action mailed on 3/01/2000.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (US 5,845,166) in view of Kawamura et al. (US 7,092,024) further in view of Nagano (US 5,561,462).

Regarding claim 1, Fellegara et al. discloses an electronic camera for capturing and displaying one or more images, said camera comprising:

an optical viewfinder (optical viewfinder 20, figures 1, 6, column 3, lines 60-65) for composing an image prior to image capture;

a sensor (CCD image sensor 94, figure 6, column 5, lines 30-34) for capturing the composed image;

an actuable shutter button (shutter button 24, figure 3, column 11, lines 20-30) effective when actuating for permitting the sensor to capture the image;

an electronic image display (display unit 36, figure 5) for displaying the captured image.

Fellegara et al. fails to specifically disclose a quick view feature in which the image display is automatically turned on in response to actuation of the shutter button, without user intervention, for a period of time after an image is captured, said quick view feature including a control section for automatically powering up the image display after the image is captured by the sensor in order to display the captured image. However, Kawamura et al. teaches a LCD

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display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Fellegara et al. by the teaching of Kawamura et al. in order to turn on the display of a camera only when capturing an image. This reduces power consumption of the camera.

Fellegara et al. and Kawamura et al. fail to specifically disclose automatically turning off the image display after the period has elapsed. However, Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image sensor 4 and to turn off the electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Fellegara et al. and Kawamura et al. by the teaching of Nagano in order to automatically turn off the display of a camera after a period of time. This reduces power consumption of the camera.

Regarding claim 2, Fellegara et al. discloses a memory section (working memory 124 and memory 126, figure 6, column 13, lines 1-55) for storing the captured image.

Regarding claim 3, Fellegara discloses a buffer memory (working memory 124, figure 6, column 13, lines 1-15) for storing the captured image in order that it may be quickly displayed by the image display during an initial review and an output memory (memory 126, column 9, lines 62-65, column 13, lines 17-56) for storing the captured image after it has been judged to be acceptable during the initial review.

Regarding claim 4, Fellegara discloses a processing section (microcontroller 120, figure 6, column 6, lines 65-67) for operating on the captured image in order to store the captured image in the output memory and a user interface provides an erase command to the processing section to erase the captured image (microcontroller 120 erases images stored in flash memory 126, column 13, lines 17-25).

Regarding claims 6, 12, Kawamura et al. discloses the image display controller automatically powers up the image display for a predetermined period after the image is captured by the sensor in order to display the captured image stored in the first buffer memory (figures 1A, 2, column 12, lines 3-13).

Fellegara et al. and Kawamura et al. fail to specifically disclose automatically turns off the image display after the predetermined period has elapsed. However, Nagano discloses an electronic camera, which includes an electronic view finder 5 that displays image captured by the image sensor 4, and control circuit 26 that causes automatic interval shooting for a number of pictures and at intervals of a given period of time; and to suspend a driving action on the image

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sensor 4 and to turn off the electronic view finder 5, except when shooting and recording are performed, after commencement of an interval shooting operation with the camera having been set in an interval shooting mode (figure 6, column 8, lines 19-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Fellegara et al. and Kawamura et al. by the teaching of Nagano in order to automatically turn off the display of a camera after a period of time. This reduces power consumption of the camera.

5. Claims 5, 7-10, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (US 5,845,166) in view of Kawamura et al. (US 7,092,024).

Regarding claim 5, Fellegara et al. discloses an electronic camera for capturing and displaying one or more images, said camera comprising:

an optical viewfinder (optical viewfinder 20, figures 1, 6, column 3, lines 60-65) for composing an image prior to image capture;

a sensor (CCD image sensor 94, figure 6, column 5, lines 30-34) for capturing an image;

a first buffer memory (working memory 124, figure 6, column 13, lines 1-15) for storing the captured image;

an electronic image display (display unit 36, figure 5) for displaying the captured image stored in the buffer memory;

a processing section (microcontroller 120, figure 6, column 6, line 65- column 7, lines 67) for performing image processing on the captured image over a period of time and generating a processed image file therefrom, said processing section further responsive to an

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erase command in order to erase the captured image (microcontroller 120 erases images stored in flash memory 126, column 13, lines 17-25);

a second memory (memory 126, column 9, lines 62-65, column 13, lines 17-56) for storing the processed image file;

an actuable shutter button (shutter button 24, figure 3, column 11, lines 20-30) effective when actuating for permitting the image sensor to capture the image;

and said user interface further providing the erase command to the processing section, which thereupon erases the captured image (microcontroller 120 erases images stored in flash memory 126, column 13, lines 17-25).

Fellegara et al. fails to specifically disclose a user interface for selectively enabling a quick view feature in which the image display is automatically turned on after an image is captured; an image display controller responsive to actuation of the shutter button for automatically powering up the image display after the image is captured in order to display the captured image stored in the first buffer memory.

However, Kawamura et al. teaches a LCD display mode in an electronic camera, in which the power supply for the display portion 4 is turned on by half pressing the release button 12 (figures 1A, 2, column 12, lines 3-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Fellegara et al. by the teaching of Kawamura et al. in order to turn on the display of a camera only when capturing an image. This reduces power consumption of the camera.

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As for claims 7-8, 10, 14-15, Fellegara et al. and Kaeamura et al. do not explicitly disclose the processing section responds to the erase command by terminating the processing of the image file and deleting the partially processed image file from the second memory. However, Fellegara et al. teaches that the image is processed by microcontroller 120 (figure 6, column 7, lines 23-26). In film capture mode, the microcontroller generates the processed image to the flash memory 126 (column 11, line 65 – column 12, line 5) for displaying the image (column 11, lines 59-62). After the digital image is displayed in film capture mode, the camera operator can decide to rewind the film (column 6, lines 1-12) into the cartridge. Then, the microcontroller erases the image which is stored in the flash memory (column 13, lines 17-20). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to send a command to the processing section to erase the image before the processing is completed. Doing so, the battery power is conserved in case the operator does not satisfy with the captured image.

As for claims 9, 13 all the limitations are contained in claim 5. Therefore, see Examiner's comment regarding claim 5.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN LN
10/15/06


DAVID OMETZ
SUPERVISORY PATENT EXAMINER